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REMARKS

This application has been carefully reviewed in light of the final rejection of April 6, 2004. The indication of allowability of claims 12, 15 and 16 subject to presentation in independent form is acknowledged with appreciation. By this amendment, claim 12 has been cancelled and presented in independent form as claim 23. In addition, claim 15 has been cancelled and presented in independent form as claim 24 to include the subject matter of claims 11, 14 and 15. Dependent claim 16 has been amended to make it dependent from claim 24. In addition, claims 11 and 17 have been amended to provide, with respect to the waste gas outlet, that the releasing of the waste gas is to provide for removal of the waste gas. While, as discussed below, applicant would respectfully submit that the independent claims cannot reasonably be construed to provide for an outlet providing for the recycling of unreacted monomer, the foregoing amendment further emphasizes that the released waste gases are removed from the preliminary reactor, and not recycled as disclosed in the patent to Platz.

The rejection of claims 11, 13, 14, 17, 19 and 20 under 35 U.S.C. §102 as anticipated by Platz is respectfully traversed. The linchpin of the §102 rejection is based upon the construction of applicant's independent claims 11 and 17 in calling for an "outlet for releasing waste gases from the preliminary reactor" to be interpreted as reading on the recycle system of reactor 10 of Platz in which unreacted monomer and polymer particles are not released from the reactor, but instead are recycled back to the reactor. In regard to the Examiner's comments respecting interpretation of the claims, attention is respectfully invited to MPEP §2111, which states "The pending claims must be given their broadest reasonable interpretation consistent with the specification." Applicant would respectfully submit that the interpretation of applicant's claim language as quoted above to mean a recycle system is not only at variance with the meaning of the term "release," it is clearly not

consistent with this term when the claim is construed in a manner consistent with applicant's specification. Applicant's specification (see, for example, page 7, lines 10-23) makes clear that outlet port 16 provides for the release or removal of waste gases from the reactor 12. The term "release," cannot in accordance with the accepted definition of the term, be construed as meaning to recycle. Attention in this regard is invited to the definition of release as found in Webster's Ninth New Collegiate Dictionary, p. 994, a copy of which is attached.

It further will be noted that the recycle system in Platz does not provide an outlet for the release of waste gases from the reactor 10. The gases recycled in Platz are simply unreacted monomer; they are not "waste gases" as recited in applicant's claims. It would clearly not be reasonable to interpret applicant's claims in light of the specification (see, for example, page 5, lines 16-21) to construe the term "waste gases" in applicant's claims to mean unreacted monomer.

It is respectfully submitted that when applicant's claims are given their broadest reasonable interpretation as required in MPEP §2111, the recitation of an outlet for releasing waste gases cannot be reasonably construed to mean the inlet to a recycle system in which unreacted monomer is recycled back to a polymerization reactor.

Notwithstanding the foregoing remarks, this amendment provides clarifying language in claims 11 and 17 by the further recitation that the outlet provides for removal of the waste gases from the preliminary reactor. This is believed to be clearly consistent with the original recitation of an outlet for releasing the waste gases and does not provide any further issues requiring further search or consideration. Further entry of this amendment is appropriate under 37 CFR §1.116(c) since the concept that recycle of gases back to the reactor in Platz is the same as releasing gases from the reactor was first raised in the Final Rejection. Accordingly, it is respectfully requested that this amendment be entered under the provisions of 37 CFR §1.116.

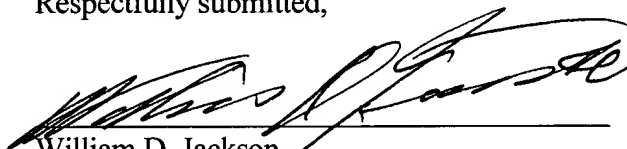
The rejection of claims 17-22 under the first paragraph of 35 U.S.C. §112 as being non-enabling is respectfully traversed. *In re Fisher* cited in the Final Rejection does not support the proposition that in non-chemical cases of the type involved here, a narrow scope of enablement should be observed. In fact, *in re Fisher* specifically states at 166 USPQ p. 24, “In cases involving predictable factors, such as mechanical or electrical elements, a single embodiment provides broad enablement in the sense that once imagined, other embodiments can be made without difficulty and the performance characteristics predicted by resort to known scientific laws.” Applicant’s invention involves use of a preliminary reactor and a main reactor, which, by their very nature are of different configurations. The use of preliminary reactors or “baby” reactors as described in applicant’s specification to preliminarily treat the catalyst is clearly enabled by applicant’s disclosure. The patent to Platz does not involve a preliminary reactor and a main polymerization reactor, but instead involves two identical batch-type main polymerization reactors. The language chosen in applicant’s claims clearly distinguishes applicant’s invention from the system disclosed in Platz. It is respectfully submitted that one of ordinary skill in the art could, immediately after reading applicant’s disclosure, arrive at various different reactor configurations to satisfy the requirement of a reactor for preliminary treatment of a catalyst as involved in applicant’s invention.

With respect to applicant’s claims 13 and 19, it is respectfully submitted that the reactor 40 of Platz is not a loop-type reactor as called for in these claims. As described in applicant’s disclosure, loop-type reactors are continuous polymerization reactors in which the polymerization reaction occurs as the polymerization medium is continuously circulated through the reactor. Such reactors are well known in the art as disclosed, for example, in U.S. Patent No. 4,767,735 to Ewen. The reactors disclosed in Platz are not loop-type reactors as the type disclosed in U.S. Patent No. 4,767,735 to Ewen, but instead are fluidized bed reactors in which polymerization occurs in a

standing column with product withdrawn from near the bottom of the column. The “loop” formed by elements 40, 50, 54, 56, 58, 60 and 62 of Platz involves the recirculation of monomer and gas and the removal of a particulate material from the gas for recycle and return to the batch-type reactor. However, the reactor 40 is not a loop-type reactor of the type disclosed and claimed in applicant’s invention.

The Commissioner is authorized to charge any fee required in connection with the submission of this document to the Locke Liddell & Sapp LLP deposit account no. 12-1781.

Respectfully submitted,



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re-join \ri-'join, vt 1 is (O)re-\ vb [ME *rejoiner* to answer to a legal charge, fr. MF *rejoin*, stem of *rejoindre*, fr. *re-* + OF *joindre* to join — more at JOIN] vi (15c) : to answer the replication of the plaintiff ~ vt 1 : to join again 2 : to say often sharply or critically in response esp. as a reply to a reply *syn* see ANSWER

re-join-der \ri-'join-dər/ n [ME *rejoinder*, fr. MF *rejoindre* to rejoin] (15c) 1 : the defendant's answer to the plaintiff's replication 2 : REPLY; *specif* : an answer to a reply

re-ju-ve-nate \ri-'ju-və-'nāt, vb -nat-ed; -nat-ing [re- + L *juvenis* young — more at YOUNG] vt (1807) 1 a : to make young or youthful again : REINVIGORATE b : to restore to an original or new state (~ old cars) 2 a : to stimulate (a stream) to renewed erosive activity esp. by uplift b : to develop youthful features of topography in ~ vi : to cause or undergo rejuvenescence *syn* see RENEW — **re-ju-ve-na-tion** \ri-'ju-və-'nā-shən, rē-\ n — **re-ju-ve-na-tor** \ri-'ju-və-'nāt-ər/ n

re-ju-ve-nescence \ri-'ju-və-'nes-əns(t)s, rē-\ n. [ML *rejuvenescere* to become young again, fr. L *re-* + *juvenescere* to become young, fr. *juvenis*] (1631) : a renewal of youthfulness : REJUVENATION — **re-ju-ve-nes-cent** \-'nt/ adj

re-lapse \ri-'laps, rē-\ n [L *relapsus*, pp. of *relabi* to slide back, fr. *re-* + *labi* to slide — more at SLEEP] (1533) 1 : the act or an instance of backsliding, worsening, or subsiding 2 : a recurrence of symptoms of a disease after a period of improvement

re-lapse \ri-'laps/ vi re-lapsed; re-laps-ing (1568) 1 : to slip or fall back into a former worse state 2 : SINK, SUBSIDE (~ into deep thought) — **re-laps-er** n

relapsing fever n (1849) : a variable acute epidemic disease that is marked by recurring high fever lasting 5 to 7 days and that is caused by a spirochete (genus *Borrelia*) transmitted by the bites of lice and ticks

re-late \ri-'lāt, vb re-lat-ed; re-lat-ing [L *relatus* (pp. of *referre* to carry back), fr. *re-* + *latus*, pp. of *ferre* to carry — more at TOLERATE, BEAR] vt (1530) 1 : to give an account of : TELL 2 : to show or establish logical or causal connection between (seeks to ~ crime to poverty) ~ vi 1 : to apply or take effect retroactively 2 : to have relationship or connection : REFER (the readings ~ to his lectures) 3 : to have or establish a relationship : INTERACT (the way a child ~s to a teacher) 4 : to respond esp. favorably (can't ~ to that kind of music) *syn* see JOIN — **re-lat-able** \-'lāt-ə-bəl/ adj — **re-later** or **re-la-tor** \-'lāt-ər/ n

re-lat-ed adj (1662) 1 : connected by reason of an established or discoverable relation 2 : connected by common ancestry or sometimes by marriage 3 : having close harmonic connection — used of tones, chords, or tonalities — **re-lat-ed-ly** adv — **re-lat-ed-ness** n

re-la-tion \ri-'lā-shən/ n [ME *relacioun*, fr. MF *relation*, fr. L *relatio*-, *relatus*, pp.] (14c) 1 : the act of telling or recounting : ACCOUNT 2 : an aspect or quality (as resemblance) that connects two or more things or parts as being or belonging or working together or as being of the same kind (the ~ of time and space); *specif* : a property (as one expressed by *is equal to*, *is less than*, or *is the brother of*) that holds between an ordered pair of objects 3 : the referring by a legal fiction of an act to a prior date as the time of its taking effect 4 a. (1) : a person connected by consanguinity or affinity : RELATIVE (2) : a person legally entitled to a share of the property of an intestate b : relationship by consanguinity or affinity : KINSHIP 5 : REFERENCE, RESPECT (in ~ to) 6 : the attitude or stance which two or more persons or groups assume toward one another (race ~s) 7 a : the state of being mutually or reciprocally interested (as in social or commercial matters) b pl (1) : DEALINGS, AFFAIRS (foreign ~s) (2) : INTERCOURSE (3) : SEXUAL INTERCOURSE

re-la-tion-al \-'shnəl, -shən-/ adj (1662) 1 : of or relating to kinship 2 : characterized or constituted by relations 3 : having the function chiefly of indicating a relation of syntax (*has* is notional in *he has luck*, ~ in *he has gone*) — **re-la-tion-al-ly** \-'v/ adv

re-la-tion-ship \-'shən-'shīp/ n (1744) 1 : the state of being related or interrelated (entered into the marriage ~) 2 : the relation connecting or binding participants in a relationship : as a : KINSHIP b : a specific instance or type of kinship 3 a : a state of affairs existing between those having relations or dealings (had a good ~ with his family) b : a romantic or passionate attachment

rel-a-tive \rel-'at-iv/ n (14c) 1 : a word referring grammatically to an antecedent 2 : a thing having a relation to or connection with or necessary dependence on another thing 3 a : a person connected with another by blood or affinity b : an animal or plant related to another by common descent 4 : a relative term

relative adj (1530) 1 : introducing a subordinate clause qualifying an expressed or implied antecedent (~ pronoun); *also* : introduced by such a connective (~ clause) 2 : RELEVANT, PERTINENT (matters ~ to world peace) 3 : not absolute or independent : COMPARATIVE (the ~ isolation of life in the country) 4 : having the same key signature — used of major and minor keys and scales 5 : expressed as the ratio of the specified quantity (as an error in measuring) to the total magnitude (as the value of a measured quantity) or to the mean of all the quantities involved

relative humidity n (1820) : the ratio of the amount of water vapor actually present in the air to the greatest amount possible at the same temperature

rel-a-tive-ly adv (1561) : to a relative degree or extent : SOMEWHAT

relatively prime adj, of integers (ca. 1890) : having no common factors except +1 and -1 (12 and 25 are relatively prime)

relative to prep (1660) : with regard to : in connection with

relative wind n (1918) : the motion of the air relative to a body in it

rel-a-tiv-ism \rel-'at-iv-'iz-əm/ n (1865) 1 a : a theory that knowledge is relative to the limited nature of the mind and the conditions of knowing b : a view that ethical truths depend on the individuals and groups holding them 2 : RELATIVITY — **rel-a-tiv-ist** \-'st/ n

rel-a-tiv-is-tic \rel-'at-iv-'is-tik/ adj (1886) 1 : of, relating to, or characterized by relativity or relativism 2 : moving at a velocity such that there is a significant change in properties (as mass) in accordance with the theory of relativity (a ~ electron) — **rel-a-tiv-is-ti-cal-ly** \-'is-tik(-ə)-l/ adv

rel-a-tiv-ity \rel-'at-iv-'et-ē/ n, pl -ties (1834) 1 a : the quality or state of being relative b : something that is relative 2 : the state of being dependent for existence on or determined in nature, value, or quality by relation to something else 3 a : a theory which is based on the two postulates (1) that the speed of light in a vacuum is constant and

independent of the source or observer and (2) that the mathematical forms of the laws of physics are invariant in all inertial systems and which leads to the assertion of the equivalence of mass and energy and of change in mass, dimension, and time with increased velocity — called also *special theory of relativity* b : an extension of the theory to include gravitation and related acceleration phenomena — called also *general theory of relativity* 4 : RELATIVISM 1b

rel-a-tiv-ize \rel-'at-iv-'iz/ vt -ized; -iz-ing (1937) : to treat or describe as relative

re-lax \ri-'laks/ vb [ME *relaxen* to make less compact, fr. L *relaxare*, fr. *re-* + *laxare* to loosen, fr. *laxus* loose — more at SLACK] vt (1620) 1 : to make less tense or rigid : SLACKEN (~ed his muscles) 2 : to make less severe or stringent : MODIFY (~ immigration laws) 3 : to make soft or enervated 4 : to relieve from nervous tension ~ vi 1 : to become lax, weak, or loose : REST 2 : to become less intense or severe (~oped the committee would ~ in its opposition) 3 of a muscle or muscle fiber : to become inactive and lengthen 4 : to cast off social restraint, nervous tension, or anxiety (couldn't ~ in crowds) 5 : to seek rest or recreation (~ at the seashore) 6 : to relieve constipation 7 : to attain an equilibrium state following the abrupt removal of some influence (as light, high temperature, or stress) — **re-lax-er** n

re-lax-ant \ri-'lak-sənt/ adj (1771) : of, relating to, or producing relaxation (an anesthetic and ~ agent)

relaxant n (1847) : a substance (as a drug) that relaxes; *specif* : one that relieves muscular tension

re-lax-a-tion \ri-'lak-'sā-shən, ri-'lak-'esp Brit, rel-'ək-/ n (1526) 1 : the act of relaxing or state of being relaxed 2 : a relaxing or recreative state, activity, or pastime : DIVERSION 3 : the lengthening that characterizes inactive muscle fibers or muscles

re-laxed \ri-'laks-t/ adj (1638) 1 : freed from or lacking in precision or stringency 2 : set or being at rest or at ease 3 : easy of manner : INFORMAL — **re-laxed-ly** \-'lak-səd-'lē, -laks-'tlē/ adv — **re-laxed-ness** \-'lak-səd-nəs, -laks-'t-nəs/ n

re-lax-in \ri-'lak-sən/ n (1930) : a sex hormone of the corpus luteum that facilitates birth by causing relaxation of the pelvic ligaments

re-lay \rē-'lā/ n (1659) 1 a : a supply (as of horses) arranged beforehand for successive relief b : a number of persons who relieve others in some work (worked in ~s around the clock) 2 a : a race between teams in which each team member successively covers a specified portion of the course b : one of the divisions of a relay 3 : an electromagnetic device for remote or automatic control that is actuated by variation in conditions of an electric circuit and that operates in turn other devices (as switches) in the same or a different circuit 4 : SERVOMOTOR 5 : the act of passing along (as a message or ball) by stages; *also* : one of such stages

re-lay \rē-'lā, ri-'lā/ vt re-layed; re-lay-ing [ME *relayen* to hunt with relays, fr. MF *relayer*, fr. OF, fr. *re-* + *laier* to leave — more at DELAY] (1788) 1 a : to place or dispose in relays b : to provide with relays 2 : to pass along by relays (news was ~ed to distant points) 3 : to control or operate by a relay

re-lay \rē-'lā/ vt -laid \-'lād; -lay-ing [re- + *lay*] (1757) : to lay again (~ track)

re-lease \ri-'lēz/ vt re-leased; re-leas-ing [ME *relesen*, fr. MF *relessier*, fr. L *relaxare* to relax] (14c) 1 : to set free from restraint, confinement, or servitude (~ hostages) (~ pent-up emotions) (~ the brakes); *also* : to let go : DISMISS (~released from her job) 2 : to relieve from something that confines, burdens, or oppresses (was ~released from her promise) 3 : to give up in favor of another : RELINQUISH (~ a claim to property) 4 : to give permission for publication, performance, exhibition, or sale of; *also* : PUBLISH, PRESENT (the commission ~released its findings) (~ a new movie) *syn* see FREE — **re-leas-able** \-'lē-sə-bəl/ adj

release n (14c) 1 : relief or deliverance from sorrow, suffering, or trouble 2 a : discharge from obligation or responsibility b (1) : relinquishment of a right or claim (2) : an act by which a legal right is discharged; *specif* : a conveyance of a right in lands or tenements to another having an estate in possession 3 a : the act or an instance of liberating or freeing (as from restraint) b : the act or manner of concluding a musical tone or phrase c : the act or manner of ending a sound : the movement of one or more vocal organs in quitting the position for a speech sound 4 : an instrument effecting a legal release 5 a : the permitting of a working fluid (as steam) to escape from the cylinder at the end of the working stroke b : the point in a cycle at which this act occurs 6 : the state of being freed 7 : a device adapted to hold or release a mechanism as required 8 a : the act of permitting performance or publication; *also* : PERFORMANCE, PUBLICATION (a record that immediately became a best-seller on its ~) b : the matter released; *esp* : a statement prepared for the press

re-lease \rē-'lēz/ vt (1828) : to lease again

released time n (1941) : time off from regularly scheduled activities (as school) given to take part in some other specified activity (as religious instruction)

release print n (1937) : a motion-picture film released for public showing

re-leas-er \ri-'lē-sər/ n (1651) : one that releases; *specif* : a stimulus that serves as the initiator of complex reflex behavior

re-leg-ate \rel-'ə-gāt/ vt -gat-ed; -gat-ing [L *relegatus*, pp. of *relegare*, fr. *re-* + *legare* to send with a commission — more at LEGATE] (1599) 1 : to send into exile : BANISH 2 : ASSIGN : as a : to assign to a place of insignificance or of oblivion : put out of sight or mind b : to assign to an appropriate place or situation on the basis of classification or appraisal c : to submit to someone or something for appropriate action : DELEGATE *syn* see COMMIT — **re-le-ga-tion** \rel-'ə-gā-shən/ n

re-lent \ri-'lent/ vb [ME *relenten*] vi (1526) 1 : to become less severe, harsh, or strict usu. from reasons of humanity 2 : LET UP, SLACKEN (~ vi, obs : SOFTEN, MOLLIFY) *syn* see YIELD

re-lent-less \-'lās/ adj (1592) : showing or promising no abatement of severity or intensity : UNRELENTING — **re-lent-less-ly** adv — **re-lent-less-ness** n

re-le-vance \rel-'ə-vən(t)s/ n (1733) 1 a : relation to the matter at hand b : practical and esp. social applicability : PERTINENCE (giving ~ to college courses) 2 : the ability (as of an information retrieval system) to retrieve material that satisfies the needs of the user

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